

ORDINANCE NO. 2005-05

AN ORDINANCE OF THE CITY OF KINGSBURG  
ADDING SECTION 16.09 TO CHAPTER 16 OF  
THE KINGSBURG MUNICIPAL CODE TO ESTABLISH  
A RESIDENTIAL GROWTH MANAGEMENT SYSTEM FOR  
THE CITY OF KINGSBURG

The City Council of the City of Kingsburg does hereby ordain as follows:

**Section 1.** Chapter 16.09 shall be entitled “Growth Management System.”

**Section 2.** The following sections shall compose Chapter 16.09.

**16.09.010 Purpose**

- A. This Chapter implements a growth management system that will manage regulating residential development so that it is compatible with the character and service capabilities of the City and other service providers within the City. This Chapter implements the growth management amendment to the City Charter passed by the voters of the City in the election of November 2, 2004.
- B. This Chapter establishes a growth management system to limit the rate of residential growth in the City to a level compatible with the size, financial limitations, resource constraints, and services capabilities of the City and service providers within the City. This Chapter also seeks to maintain aesthetic goals of the City. This Chapter implements fundamental policies of the General Plan including particular provisions of the Land Use and Housing Elements of the General Plan. The growth management system will assist the City in addressing its responsibility to share in the provision of housing for households of various income levels as determined by the Regional Housing Needs Allocation Plan prepared by the Council of Fresno County Governments and approved by the State Department of Housing and Community Development.

**16.09.020 Allocations for Housing Units**

A. One hundred fifteen (115) new allocations of housing units will become available at the beginning of each calendar year. Allocation is defined as the right to apply for a building permit to construct one single family residence or one multi family residential housing unit. The allocations are divided between two categories of housing: multiple-family housing units with 35 allocations (less any allocations issued to multi-family Small Projects as defined in Section 16.09.050 of this Chapter) per year (30%) and single family housing units, with 80 allocations per year (70%). Of the 80 allocations (less any allocations issued to Small Projects as defined in Section 16.09.050 of this Chapter) per year of single family housing units, 20 allocations shall be reserved for large lot development on parcels of at least 10,000 square feet.

B. After allocations are issued as provided in this Chapter, all development entitlements (i.e. parcel maps, subdivision maps, environmental review, etc.) associated with said allocations and required by the City or applicable law, rule or regulation must be approved by the City in order to use the issued allocations. If any required development entitlements are denied, or expire, the issued allocations related thereto shall automatically expire. The City will not accept any application for development entitlements unless allocations have been approved and issued for said development entitlements. Also for issued allocations to remain effective, complete development entitlement applications (including the payment of any and all required fees) for all required development entitlements must be submitted to the City within one hundred eighty (180) days after the date of issuance of the allocations and construction of offsite improvements, including, without limitation, installation of utilities and construction and installation of streets, must commence within three hundred

sixty-five (365) days after the date of approval of all required development entitlements ("Construction Start Date"). No fees paid by an applicant to the City as part of the entitlement process will be reimbursed by the City should the applicant fail to satisfy the requirements of this Chapter.

- C. An applicant may request an extension of the Construction Start Date by submitting a written application for such extension on the form required by the City. In order to grant an extension request, the City Council, upon recommendation by the Planning Commission, must find that the failure of the applicant to commence construction of offsite improvements on or before the Construction Start Date was beyond the reasonable control of the applicant.
- D. The City Council, may, in its discretion, allow unused allocations to be carried over for a period of up to three years and allocated to First Allocations and/or Second Allocations or both (as those terms are defined in Section 16.09.060 of this Chapter). Unused allocations are allocations: (i) which were never issued; or (ii) previously issued and expired because of denial of development entitlements, failure to commence construction of offsite improvements on or before the Construction Start Date or any extension thereof; or (iii) failure of the applicant to comply with the provisions of this Chapter.
- E. In order to meet the housing needs of persons who will reside in mobile home parks or multi-family housing developments, an applicant seeking to develop a mobile home park with more than 15 spaces and/or multi-family housing development with more than 15 units may request issuance of allocations which would otherwise be issued over a three (3) year period. The purpose of this three-year allocation is to satisfy the housing needs of persons who wish to reside in mobile home or multi-family developments, through the development of a project which is larger than would otherwise be allowed with only one year of

allocations. An applicant may request a three-year allocation by submitting a written application to the City on the form required by the City.

### **16.09.030 Senior Housing Allocations**

Demand for senior housing in the City exceeds the supply of senior housing within the City. As a result, and in order to address this need for more senior housing, allocations for senior housing projects shall be issued on the basis of one-quarter (1/4) of one allocation for each senior housing unit to be constructed.

Senior housing is defined as residential housing which requires at least one person in residence in each dwelling unit be fifty-five (55) years of age or older.

### **16.09.040 Exemption to Allocation Requirements**

The following types of residential housing may be constructed without the issuance of allocations:

- A. Residential housing units constructed upon parcels that were previously fully developed and which have adequate infrastructure to service the new residential development as determined by the City.
- B. Second housing units added to lots with single-family homes in conformance with the City Zoning Ordinance and applicable California law.
- C. Residential housing projects which received all required development entitlements prior to enactment of this Chapter.

### **16.09.050 Small and Priority Projects**

- A. New multi-family or single family residential developments of four or fewer dwelling units ("Small Projects") will automatically receive allocations and will not be required to participate in the competitive allocation process identified in Section 16.09.060 of this Chapter.
- B. Projects that are eligible for priority processing as described in this Section ("Priority Projects"), will not be subject to the competitive allocation process

identified in Section 16.09.060 of this Chapter. Upon enactment of this Chapter, sixty (60) allocations will be available for issuance for the calendar year 2005 for Priority Projects. Priority Projects are defined as residential developments described in Urgency Interim Ordinances 2003-11, 2003-12, and 2004-03 under Section 7 of said ordinances entitled, "Intended Sequence of Subsequent Residential Rezoning Applications." The City will issue allocations for Priority Projects for a period of two years from the date of enactment of this Chapter. Priority Projects located in the planning area of the North Kingsburg Specific Plan shall have first priority for Priority Project allocations.

**16.09.060 Competitive Allocations**

- A. Allocations for residential projects consisting of five or more dwelling units and which are not Priority Projects will compete for allocations in accordance with the process identified in this Section 16.09.060. Each calendar year, the maximum number of allocations that can be issued through the competitive process for any one application for development entitlements to construct residential housing units is 25 allocations for single-family housing or multiple-family housing, or 35 allocations for mixed-density projects which include at least 10 single-family homes and at least 10 multiple-family dwelling units.
- B. Applications for competitive allocations must be filed with the Planning and Development Department on or before 4 p.m. on September 30 of each calendar year. If September 30 falls on a Saturday, Sunday or holiday when the City offices are closed, the time for filing applications for competitive allocations shall be extended to 4:00 p.m. on the next business day. The development proposals identified in the applications shall be rated and ranked in accordance with the rating and ranking criteria identified in this Chapter by Planning staff during the

1 month of October and the Planning staff shall make its recommendations for  
2 competitive allocations to the Planning Commission.

3 C. An application may not identify more than five (5) model homes to be constructed  
4 for each group of 25 allocations issued. At the election of the applicant, the  
5 model homes will or will not be counted as part of the allocations issued to the  
6 applicant. If the applicant elects not to include model homes as part of the  
7 allocations issued to the applicant, no certificate of occupancy will be issued for  
8 the model homes until allocations are issued for the model homes in accordance  
9 with the provisions of this Chapter.

10 D. At its first meeting each November, the Planning Commission will conduct a  
11 public hearing to review staff's rating and ranking recommendations for the  
12 competitive allocations and make recommendations to the City Council regarding  
13 the competitive allocations. At its first regular meeting in December, the City  
14 Council will consider the recommendations of the Planning Commission and will  
15 issue allocations for the next calendar year ("First Allocations").

16 E. If not all available allocations are issued in December, then at its first meeting in  
17 February of the next year, the City Council may authorize staff to conduct a  
18 second competitive allocation process ("Second Allocations"). If a Second  
19 Allocation is authorized, by the City Council, the application process shall be the  
20 same as for the First Allocations, except that all applications must be received by  
21 the Planning and Development Department by 4:00 p.m. on March 31. If March  
22 31 falls on a Saturday, Sunday or holiday when the City offices are closed, the  
23 time for filing applications for Second Allocations shall be extended to 4:00 p.m.  
24 on the next business day. City staff will perform its ranking and rating process  
25 during the month of April and a public hearing will be held by the Planning  
26 Commission at its first regular meeting in May to review staff's rating and  
27  
28

1 ranking recommendations for the Second Allocation and make recommendations  
2 to the City Council regarding the Second Allocation. At its first regular meeting  
3 in June, the City Council will consider the recommendations of the Planning  
4 Commission and determine the number of Second Allocations to be issued, if any.

- 5 F. If there is only one application for Second Allocations, the City Council may  
6 authorize the issuance of all allocations available in the Second Allocation to the  
7 sole applicant, even though the allocations available in the Second Allocation  
8 exceed the maximum annual number of allocations available for issuance under  
9 Section 16.09.060 of this Chapter and even though the sole applicant for the  
10 Second Allocations received First Allocations.

11 **16.09.070 Rating and Ranking Criteria**

12 Projects seeking allocations will be rated using a 100-point scoring system and  
13 then ranked. Rating and ranking will be based on information submitted by the  
14 applicants in their application materials, backup documentation provided by  
15 applicants and other documents and information the City deems relevant to each  
16 respective project. The scoring system will be based on the following criteria:

17 A. Suitability of Location (25 points)

18 The City promotes compact and efficient development. Concentric patterns of  
19 growth are preferred. Infill development within the Urban Limit Boundary is  
20 encouraged. Leapfrog development and irregular boundaries are discouraged.  
21 Islands or corridors of unincorporated territory are to be avoided. Projects will  
22 not be considered if the property identified in the application is not sufficiently  
23 contiguous to the City limits to allow for a logical and reasonable extension of the  
24 City limits as determined by the City. Scoring for this category is as follows:

25 25 points: The property proposed for development is already within the City  
26 limits.

- 1           20 points:     An infill project sufficiently surrounded by urban  
2                           development as determined by the City.
- 3           15 points:     The property is bordered by the City on more than one side.
- 4           10 points:     The property is adjacent to the City limits to allow for a logical  
5           and           reasonable extension of the City limits, as determined by the City  
6                           and within the Urban Limit Boundary.
- 7           5 points:     The property is adjacent to the City limits to allow for a logical  
8                           and reasonable extension of the City limits, as determined by the  
9                           City but the Property is outside of the Urban Limit Boundary.
- 10          0 points:     The property is outside of the Sphere of Influence and annexation  
11                           to the Sphere is required.

12    B.   Inclusionary Housing (15 points)

13           The adopted Housing Element of the Kingsburg General Plan has an inclusionary  
14           housing policy calling for at least 15 percent of the housing units provided by  
15           each project to be affordable to low-income or very low-income households. If  
16           the affordable units are not incorporated into the project, the developer may be  
17           able to comply with the policy by assisting the City in providing an equal number  
18           of affordable housing units elsewhere in the City by dedicating appropriate land  
19           or paying an in-lieu fee. For each percentage point of affordable housing  
20           included in or provided for by a project, one scoring system point will be awarded  
21           up to a maximum of 15 points.

22    C.   Meeting Needs, Demand and Objectives (20 points)

23           City's adopted Housing Element emphasizes the accommodation of special-needs  
24           populations. Points will be awarded for projects that provide housing for  
25           populations that are underserved or have special needs that are not generally met  
26  
27  
28



1 in other projects. Examples include, without limitation, handicapped-accessible  
2 units or housing for senior citizens or large families.

3 Points will be awarded to projects that:

4 Expand the range of housing choices available in the community by offering  
5 configurations, densities and/or price ranges that are not otherwise readily  
6 available.

7 Satisfy demonstrated market demands (e.g. large lots, senior housing).

8 Utilize properties that have been bypassed because they are challenging to  
9 develop.

10 D. Infrastructure and Services (25 points)

11 Preference will be given to projects that have the most positive impacts and/or the  
12 least negative impacts on infrastructure and services provided by the City and  
13 other service entities that operate within or provide services to the City. Scoring  
14 shall be based on the following criteria:

- 15 1. Proximity to existing infrastructure systems.
- 16 2. The extent of extension or expansion needed to increase the capacity of  
17 existing infrastructure to serve the proposed development and, if  
18 appropriate, future development.
- 19 3. The willingness of the developer to enter into a reimbursement agreement  
20 if the project involves construction of master-planned facilities and such  
21 an agreement is appropriate.
- 22 4. Agreement to construct and install new oversized infrastructure and/or  
23 construct and install new infrastructure that extends beyond the  
24 developer's project in order to service future growth, with reimbursement  
25 to developer pursuant to a reimbursement agreement providing for  
26 reimbursement by future development connecting to the oversized  
27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

and/or extended infrastructure.

5. Dedication of real property to the City to improve systems and services, including, without limitation, rights-of-way for streets, alleys or green belts, or sites for water wells, lift stations, drainage basins, parks, and schools sites, etc.

6. Incorporation of resource conservation features, including, without limitation, active or passive solar systems, water conservation features, drought-tolerant landscaping and energy-efficient appliances.

E. Architectural Design and Aesthetic Considerations (15 points)  
Kingsburg continues to project an image as “The Swedish Village” which gives the City a unique identity. Residential housing should include distinctive design, quality construction and accompanying amenities. Features that will receive points through the scoring system, include:

- 1. Custom homes or customized features on tract homes that prevent houses in the same development from appearing repetitious.
- 2. Fostering of neighborhood character.
- 3. Compatibility with neighboring developments (e.g. lot sizes and square footage of homes)..
- 4. Utilization of alleys for garage access from the rear.
- 5. Variable front yard setbacks.
- 6. Landscaping of street medians and parkways.
- 7. Green belts with pathways for pedestrians, skaters and bicyclists.
- 8. Pedestrian-friendly design.
- 9. Bicycle lanes in appropriate locations.

1           10.    Preservation of existing trees.

2           11.    Open space and recreation facilities.

3 **16.09.080 Phased Projects**

4           Projects having more residential units than the maximum allocation allowable or  
5           available in a single allocation period may be phased. Allocations for phased  
6           projects may include allocations for the calendar year and allocations for up to  
7           two years thereafter. Approval of allocations for a phased project shall identify  
8           the number of allocations that will be issued by the City and used by the applicant  
9           during each phase of the project.

10          A separate final map is not required for each phase of a residential subdivision  
11          project. Phasing requirements, including, without limitation, number of  
12          allocations available for use in each phase, numbers of units that can be  
13          constructed and timing of construction, will be enforced as conditions of approval  
14          of the tentative tract map and final tract map and as provisions of the subdivision  
15          agreement. If a multiple-family residential project includes phasing, phasing  
16          requirements including those identified in this paragraph will be enforced through  
17          conditions of approval of the site plan or Planned Unit Development and as  
18          provisions of the development agreement if one is required by the City.

19 **16.09.090 Exceptions and Changes**

20          A.    The provisions of Chapter 16.40 of Title 16 shall not apply to this chapter.

21          B.    The City Council shall have the power to increase, decrease, change or reallocate  
22          allocations by resolution of the City Council.

23  
24                Passed and adopted by a regular meeting of the City Council of the City of  
25                Kingsburg, duly called and held on the 15<sup>TH</sup> day of June, 2005, by the following vote:

26                AYES:                               Council Member    Blayney  
27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Kruper

Smith

Mayor Bergstrom

NOES: Council Member None

ABSTAIN: Council Member None

ABSENT: Council Member None

APPROVED /s/ Leland Bergstrom  
Mayor

ATTEST: /s/ Susan Bauch  
City Clerk

STATE OF CALIFORNIA   )  
COUNTY OF FRESNO     )  
CITY OF KINGSBURG     )

I, Susan Bauch, City Clerk of the City of Kingsburg, do hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Kingsburg on the 1<sup>st</sup> day of June, 2005, and it was duly passed and adopted at a regular meeting of said City Council held on the 15<sup>th</sup> day of June, 2005.

DATED: June 20, 2005     /s/ Susan Bauch  
Susan Bauch, City Clerk